

**Written Testimony Opposing HB 5679
for the Michigan State House Judiciary Committee
May 12, 2020**

As a short supplement to my May 6 testimony against HB 5679 I would like elaborate on what an acceptable substitute for HB 5679 would contain. An acceptable bill must satisfy the constitutionality issues raised by the courts, and it must provide an effective evidence-based safety benefit to the community. HB 5679 does not do either of these things, and if passed it will be overturned by the courts just as its predecessor has.

Regarding constitutionality, the federal courts are clear: no geographic exclusion zones, and no registration requirements for telephone numbers, internet ids, or vehicle registration numbers. Also, the law cannot be punitive or it cannot apply to existing registrants. Listing people as a risk to the community without an individualized assessment of risk amounts to punishment, so a non-punitive registry must either be private or risk based.

The social science evidence is that the shaming and economic and social limitations created by a public registry actually increase recidivism and therefore the risk to the public, and that people who have been offense free for 15 years do not pose a continuing risk.

Therefore, a constitutional and effective replacement for HB 5679 would create a private registry with very minimal reporting requirements and no geographic exclusions. Acknowledging that the public might not be ready for a fully private registry, an alternative would be a public registry with a maximum 15-year registration period and with an option for people to demonstrate that they are low risk and be removed from the registry.

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